

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

BRUNO PROJECT RESCUE, INC., a
501(c)(3) corporation, ANNIE'S FAITH
FOUNDATION, a 501(c)(3) corporation,
CARIBBEAN CANINE CONNECTION, a
501(c)(3) corporation, ARUBA FLIGHT
VOLUNTEERS D/B/A NEW LIFE FOR
PAWS FOUNDATION, a 501(c)(3)
corporation, POTCAKE PLACE K9 RESCUE
(USA) INC., a 501(c)(3) corporation, SAVE
THE SATOS, a 501(c)(3) corporation,

Plaintiffs,

v.

DEPARTMENT OF HEALTH AND
HUMAN SERVICES, CENTERS FOR
DISEASE CONTROL AND PREVENTION,
and MANDY K. COHEN, in her official
capacity s Director of the Centers for Disease
Control and Prevention,

Defendants.

Civil Action No. 24-cv-11552-DJC

**DEFENDANTS' ASSENTED-TO MOTION FOR EXTENSION OF TIME TO RESPOND
TO PLAINTIFFS' MOTION TO STAY**

Defendants, by and through their undersigned counsel, respectfully move this Court for a brief extension of time, until July 26, 2024, to respond to Plaintiffs' Motion for Stay. In support of this Motion, the Defendants submit the following:

1. Plaintiffs, a group of 501(c)(3) corporations that seek to find homes for dogs who were born on the Caribbean islands, have filed a Complaint (and, subsequently, an Amended Complaint) for declaratory and injunctive relief under the Administrative Procedure Act to enjoin

a Centers for Disease Control (“CDC”) dog import regulation that is scheduled to go into effect on August 1, 2024. *See* Doc. 1 and Doc. 7. Plaintiffs allege, among other things, that the CDC’s regulation is arbitrary and capricious. *Id.*

2. On July 10, 2024, Plaintiffs filed a Motion for Stay in which they seek to stay the effective date of the CDC’s new regulation “only to the extent that the regulation would prohibit the importation of an adopted puppy that (1) is arriving to the United States from a Caribbean island that the CDC has deemed canine rabies-free as of July 6, 2024; and (2) has been given a clean bill of health by a qualified veterinarian recognized by the country from which the puppy is arriving.” *See* Doc. 13, p. 2 (footnote omitted). Plaintiffs filed an accompanying Memorandum of Law the following day on July 11, 2024. *See* Doc. 13.

3. The undersigned Assistant United States Attorney was assigned to this matter on July 11, 2024.

4. Undersigned counsel, cognizant of the upcoming effective date of the CDC regulation (August 1, 2024) is working diligently with the Department of Health and Human Services and the CDC to prepare an opposition to the Plaintiffs’ Motion for Stay, though necessitates a brief, two-day extension of time to prepare a thoughtful response in light of pre-existing deadlines in other matters.

5. Prior to filing this motion, undersigned counsel conferred with counsel for Plaintiffs, who assented to the relief requested herein.

WHEREFORE, for the reasons set forth above, the Defendants respectfully request that they be given up to and including July 26, 2024, to file an opposition to Plaintiffs’ Motion for Stay.

Respectfully submitted,

JOSHUA S. LEVY
Acting United States Attorney

/s/ Nicole M. O'Connor
NICOLE M. O'CONNOR
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Date: July 18, 2024

7.1 CERTIFICATION

I, Nicole M. O'Connor, hereby certify that I conferred with counsel for Plaintiffs, Aaron Katz, regarding the relief requested in this motion on July 18, 2024. Plaintiffs' counsel assented to the relief requested herein.

Date: July 18, 2024

/s/ Nicole M. O'Connor
NICOLE M. O'CONNOR
Assistant United States Attorney

CERTIFICATE OF SERVICE

I, Nicole M. O'Connor, hereby certify that I served a true copy of the above document upon all parties of record via this court's electronic filing system on July 18, 2024. Paper copies will be sent to any non-registered participants on July 18, 2024.

Date: July 18, 2024

/s/ Nicole M. O'Connor
NICOLE M. O'CONNOR
Assistant United States Attorney